

REPORT OF THE MINORITY.

The minority of the Committee on Grievances and Courts of Justice, to whom was referred the petition of James Clarke, of Anne Arundel county, having, on that matter, which they conceive to involve considerations of the first magnitude, differed from the rest of the committee, beg leave respectfully to

REPORT:

That the memorial of Mr. Clarke states, that in October last, he was elected Sheriff of Anne Arundel county; and that shortly after his election, he procured a bond to be signed by a number of his friends, in connexion with himself, with a condition for the faithful performance of the duties of the office. The signers are the following: James Clarke, the memorialist, Thomas Batson, Wesley Linthicum, William Gibbons, Upton Dorsey, John Clarke, and David Clarke, who are alleged to be fully worth the penalty of the bond, and of whose ability to meet the engagements entered into, by becoming his security, Mr. Clarke has produced to the House and the committee the certificate of two respectable citizens of Anne Arundel.

The elective franchise is one which every free people has always watched, and always ought to watch, with peculiar and jealous care. It is the foundation of their political privileges, and the only security of rational liberty. In the instance of the Sheriff alone, has there been in this State interposed any power between the election of the people and the exercise of the office to which their favor may elevate the successful candidate. That interposition is supposed to be politic, in order to guard the public from the effects of negligence or fraud in the conduct of an officer whose responsibility is great, and whose failure to perform his duty disturbs the ordinary course of judicial decisions, and arrests every legal process.

For these reasons the laws of our State have wisely confided to the Judges of the District and the Justices of the Orphan's Court the duty of examining the bonds offered by the Sheriffs elect, and deciding upon their sufficiency.